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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,677	04/17/2001	Sapoty Brook		9883

7590 05/28/2002
SAPOTY BROOK
P.O. Box 352
MULLUMBIMBY, NSW, 2482
AUSTRALIA

EXAMINER

GARRETT, ERIKA P

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 05/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,677

Applicant(s)

BROOK, SAPOTY

Examiner

Erika Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Regarding claim 6, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Claim 21, is rendered indefinite because applicant can't refer back to a drawing, as part of the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 12, 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tai (5,560,056). Tai discloses the use of an inflatable base (21&22), including a base upper skin (22) which forms a layer of the upper side of the base and a lower skin (13) that forms a lower side of the base, and a rim (1) which links the upper and lower side edges of the base, an inflatable backrest (23), a fixing means (3,32) to fix the backrest to the upper skin base, and an air passage (20) that allows air flow to the backrest and base as well as under an increasing load.

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In regards to claim 3, the air passage is provided by a part of the base and the backrest with a shared bladder (as shown in figure 4). In regard to claim 4, Tai shows the backrest is positioned at one edge of the base upper skin. In regards to claim 12, the first part of the fastening means (34) is also the first part of the retaining means (36) and the second part of the retaining means.

Regarding claims 14 and 15, Tai shows the use of a cover (1a) provided to cover at least one part of the bladder (2). The bladder (2) is fully enclosed by the cover (1a), the base of the upper and lower skin are parts of the cover as well.

Claims 1-4, 8-12 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson (6,012,778). Peterson shows the use of an inflatable base (5), including a base upper skin (16) which forms a layer of the upper side of the base and a lower skin (13) that forms a lower side of the base, and a rim (1) which links the upper and lower side edges of the base, an inflatable backrest (14), a fixing means (22) to fix the backrest to the upper skin base, and an air passage (32) that allows air flow to the backrest and base as well as under an increasing load. In regards to claim 3, the air passage is provided by a part of the base and the backrest with a shared bladder (30). In regard to claim 4, the backrest is positioned at one edge of the base upper skin. In regards to claim 12, the first part of the fastening means (zipper) is also the first part of the retaining means (zipper) and the second part of the retaining means.

Peterson shows the use of the first and second part of the retaining means that can be fastened together to retain the backrest in a deflated state for the purpose of portability and packaging. The first part of the fastening means (zipper) is also the first part of the retaining means (zipper) and the second part of the retaining means. The deflated backrest can be inserted

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into the base and retained inside the base. The base can be inserted into the backrest when they are deflated.

Regarding claims 14-20, Peterson shows the use of a cover (1a) provided to cover at least one part of the bladder (2). The bladder (30) is tubular and it is curved around the connecting means (20). The bases of the upper and lower skin are parts of the cover as well. The bladder end (30) protrudes upward into the backrest (14) when it is erect and when the retaining means is released and a load is applied to the base. A nozzle (32) for inflation and deflation of the bladder is positioned near the bladder (30) end and the nozzle (32) is fixed to the cover (20) and connecting means (zipper).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson. Peterson shows the use of all claimed invention but fails to show the use of the upper skin within 20cm and a force of 100N. It would have been an obvious matter of design choice to modify the force of 100N to sustain 100N or 110kg since applicant has not shown any criticality with using a force of 100N to sustain 100N. It appears that the convertible inflatable furnishing holding a *face* 99N would perform equally well.

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Regarding claim 13, Peterson shows all of the claimed invention but fails to show the horizontal breadth of 700mm and 1000mm and the horizontal width greater than 600mm, it would have been an obvious matter of design choice to modify the breadth between 700 mm and 1000mm and the width of 600 mm to sustain 1000mm or 1010kg since applicant hasn't shown any criticality with using a breadth between 700 mm and 1000mm and the width of 600 mm to sustain 1000mm and 600mm. It appears that a convertible inflatable furnishing holding a 600 mm would perform equally well.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Gancy (5,608,931). Peterson shows all the teachings of the convertible inflatable furnishings but fails to show the use of the elastic material biasing the region of the base upper skin. Gancy discloses the use of the elastic material (30,34,36 & 40) biasing the region of the base upper skin (12) towards the region of the base of the lower skin (14). It would have been obvious to one of ordinary skill in the art at the time the invention to modify the elastic material biasing the region of the base upper skin towards the region of the base lower skin, as shown by Gancy, in order to affect the tactile response of a user to the body-supporting upper wall of the cushion.

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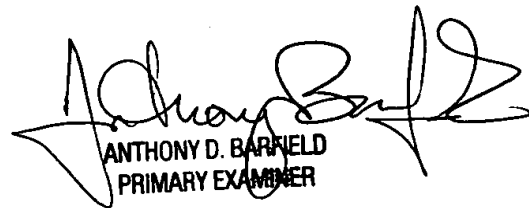
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference No. 6,152,530, (6,224,444) and 5,947,563) shows features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

EG
May 16, 2002



ANTHONY D. BARKFIELD
PRIMARY EXAMINER